

**United States District Court
District of Wyoming**

**Amended Request for Modifying the Conditions or Term
of Supervision with Consent of the Offender**

FILED



4:03 pm, 6/16/23

**Margaret Botkins
Clerk of Court**

Name of Offender :	Shawn Lee Wade	Case No.:	18-CR-162-001-J
Sentencing Judicial Officer:	Alan B. Johnson		
Date of Original Sentence:	February 5, 2019		
Original Offense:	Receipt of Child Pornography		
Original Sentence:	37 months imprisonment followed by 5 years supervised release		
Type of Supervision:	Supervised Release		
Date Supervision Commenced:	September 13, 2021		
Date Supervision Modified:	June 2, 2023; 60 days of home detention with radio frequency (RF) monitoring		
Assistant U.S. Attorney:	David A. Kubichek		
Defense Attorney:	Dion J. Curtis		

Petitioning the Court

- ☐ To extend the term of supervision years, for a total of years.
☒ To modify the conditions of supervision as follows:

To remove the modified special condition:

The defendant shall be monitored by radio frequency (RF) for a period of 60 days and shall abide by all technology requirements. The telephone line used for electronic monitoring shall not have any special features or services that may interfere with the functioning of the location monitoring equipment. The defendant shall comply with a schedule established by the supervision officer. The defendant shall pay all or part of the costs of participation in the location monitoring program as ordered by the Court and as directed by the probation officer.

The defendant is restricted to his residence at all times except for employment; education; religious services; medical, substance abuse or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities pre-approved by the supervising officer.

To add the following special condition:

The defendant shall be monitored with the SmartLink virtual monitoring application for a period of 60 days. The defendant shall comply with a schedule established by the supervision officer. The defendant shall pay all or part of the costs of participation in the location monitoring program as ordered by the Court and as directed by the probation officer.

The defendant is restricted to his residence at all times except for employment; education; religious services; medical, substance abuse or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities pre-approved by the supervising officer.

Cause

On June 2, 2023, Your Honor approved a *Request for Modifying the Conditions of Supervision with Consent of the Offender*, placing the defendant on home detention, monitored by radio frequency (RF) monitoring for a period of 60 days as a result of the defendant's arrest for Disturbing the Peace and Quiet after being seen with his hands down his pants, "playing with himself" while at Planet Bounce, an arcade where approximately seven to ten children were attending a birthday party.

On June 8, 2023, it was discovered the location monitoring equipment does not work at the defendant's residence as the equipment utilizes Verizon cellular towers, which are not available in this location. The defendant utilizes AT&T cellular service and has a working smartphone; therefore, the probation office respectfully requests the

Shawn Lee Wade

defendant still be held accountable to 60 days of home detention; however, that it be monitored via SmartLink rather than radio frequency (RF).

The defendant has agreed to this change in monitoring technology as evidenced by his signature on the *Waiver of Hearing to Modify Conditions of Supervised Release*.

I declare under penalty of perjury that the foregoing is true and correct.

Angie Miller for
Joseph Walton
U.S. Probation Officer

6/16/23
Date

Approved by: Angie Miller
Angie Miller
Supervisory U.S. Probation Officer

THE COURT ORDERS:

- ☐ No Action
- ☐ The extension of supervision as noted above.
- ☒ The modification of conditions as noted above.
- ☐ Other

Alan B. Johnson
Alan B. Johnson
U.S. District Judge

6/16/23
Date

**UNITED STATES DISTRICT COURT
DISTRICT OF WYOMING**

**Waiver of Hearing to Modify Conditions of Supervised
Release Or Extend Term of Supervision**

I have been advised by the U.S. Probation Officer that I am entitled to consult with counsel prior to signing this form, agreeing to waiver of a hearing to modify the terms and conditions of my Supervised Release as set forth below. If I cannot afford counsel, I understand the Federal Public Defender's Office may be appointed for the limited purpose of advising me on this matter.

I have also been advised by the United States Probation Officer and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the Court to appoint counsel to represent me at such a hearing at no cost to me if I am not able to retain counsel of my own choosing.

I understand that should the Court concur with the action, I must abide by all the conditions previously imposed during the period of Supervised Release.

I hereby voluntarily waive my statutory right to a hearing and to consultation with and/or assistance of counsel. I also agree to the following modifications of my Conditions of Supervised Release:

To remove the modified special condition:

The defendant shall be monitored by radio frequency (RF) for a period of 60 days and shall abide by all technology requirements. The telephone line used for electronic monitoring shall not have any special features or services that may interfere with the functioning of the location monitoring equipment. The defendant shall comply with a schedule established by the supervision officer. The defendant shall pay all or part of the costs of participation in the location monitoring program as ordered by the Court and as directed by the probation officer.

The defendant is restricted to his residence at all times except for employment; education; religious services; medical, substance abuse or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities pre-approved by the supervising officer.

To add the following special condition:

The defendant shall be monitored with the SmartLink virtual monitoring application for a period of 60 days. The defendant shall comply with a schedule established by the supervision officer. The defendant shall pay all or part of the costs of participation in the location monitoring program as ordered by the Court and as directed by the probation officer.

The defendant is restricted to his residence at all times except for employment; education; religious services; medical, substance abuse or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities pre-approved by the supervising officer.

I have read or have had the above read to me and I fully understand it. Having been advised of my rights, I freely and voluntarily give full consent to this proposed action.

Signed: Shawn Wade
Shawn Wade
Defendant

06/15/23
Date

Witness: Angie Miller
Angie Miller
Supervisory U.S. Probation Officer

6/16/23
Date